

Staff Report

City of Loma Linda

From the Department of Community Development

PLANNING COMMISSION MEETING OF MAY 3, 2006

TO: PLANNING COMMISSION
FROM: DEBORAH WOLDRUFF, AICP, DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: VARIANCE NO. 06-02

SUMMARY

A request for a variance to exceed the maximum wall height of six (6) feet along the existing northern and eastern perimeter walls for the Park Lane Project (approved as Tract Map No. 15422 and Precise Plan of Design 04-05) located at the northeast corner of First Street and Whittier Avenue (see Attachment A).

RECOMMENDATION

The recommendation is that the Planning Commission takes the following actions:

1. The recommendation is that the Planning Commission approves Variance No. 06-02 based on the Findings and subject to the Conditions of Approval.

PERTINENT DATA

Applicant:	Richmond American Homes
General Plan:	Low Density (1-4 dwelling units per acre)
Zoning:	Planned Community (PC)
Site:	The 11.1 acre subject property is located on the northeast corner of First Street at Whittier Avenue.
Topography:	Project site is sloped from southeast to northwest
Special Features:	Existing six foot retaining/garden wall.

BACKGROUND AND EXISTING SETTING

Background

The Tentative Tract Map was approved by City Council at their meeting on November 12, 2002. The Precise Plan of Design for the subdivision design and layout was approved by the Planning Commission at their meeting on August 4, 2004.

Existing Setting

The subject property is surrounded on three sides by the San Bernardino County unincorporated area known as Bryn Mawr (Attachment B). To the north is the San Timoteo Creek Channel and to the south across First Street are single family homes with the Union Pacific Railroad tracks and right-of-way located behind the homes. Much of the surrounding neighborhood predates City incorporation. Other neighbors include Loma Linda Broadcasting, the Romanian Seventh Day Adventist Church, and the self storage facility across from the project site on the north side of the San Timoteo Creek Channel.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) STATUS

The variance request falls within the scope of the Mitigated Negative Declaration that was adopted by the City Council for the Tentative Tract Map approval on November 12, 2002. Therefore, no additional evaluation is necessary in compliance with the California Environmental Quality Act (CEQA).

ANALYSIS

Project Description

As previously stated, Richmond American Homes seeks variance relief to exceed the maximum wall height of six feet by adding tubular steel fencing atop of the existing six foot retaining/garden wall. The building permit for the northern and eastern perimeter wall was issued last summer. The plans provided show the wall built as a combination retaining/garden wall and include a detail on the tubular fencing (see Attachment C). Additional block was not considered as the material of choice due to the sizeable massing that would occur facing the recreation trail along San Timoteo Creek Channel.

Public Comments

Public hearing notices for the project were mailed out and hand delivered to Bryn Mawr residents on April 20, 2006. To date, no comments have been received from the public.

Analysis and Findings

The wall was built to the six foot height measured on the low side which would be on the side of the channel. However, due to the difference in grade for the lots, wall height measured on the inside will vary from three to six feet. For example, on Lot 17, the inside height of the wall is a little over four feet. On Lots 18-22, the inside height of the wall ranges between three and four feet. Plans indicate that on Lots 28 and 29, the inside height of the wall is six feet. The applicant is requesting tubular fencing for Lots 17-36 ranging in height from one to four feet. The additional height would result in a maximum height of six feet on the inside at the rear property line and a maximum of ten feet on the outside facing the channel. If Planning Commission approves the variance request, the applicant will install the tubular fencing atop the wall which will give it a sense of openness and uniformity.

All of the following findings must be addressed while considering a Variance in accordance with Loma Linda Municipal Code Section 17.30.060.

1. *That there are exceptional and extraordinary circumstances of conditions applicable to the property involved.*

Due to the difference in grade for Lots 17-36, wall height is measured at six feet on the outside of the project perimeter. On the inside of the project, wall heights vary from approximately three feet to six feet. Allowing the tubular fencing atop the existing wall will address concerns for safety and security.

Loma Linda Municipal Code §17.14.120(c) allows additional wall height in a non residential area as approved by Community Development Department. The additional height will serve as a better barrier separation between people on the recreational trail along side San Timoteo Creek Channel. This is needed to provide safety and security for the future residents because the trail will allow potential rear yard access to persons on the trail if the fencing is not high enough to be a deterrent. The additional height will provide safety in the form of a barrier for children playing in the rear yards that might climb or fall over the lower approved fencing into the trail and/or much deeper concrete channel areas.

2. *That such variance is necessary for the preservation and enjoyment of the substantial property right possessed by other property in the same vicinity and zone and denied to the property in question.*

Typical wall heights for a project perimeter are six feet. However, the project site is an infill lot surrounded by existing and older development. Addressing drainage issues for infill lots is typically problematic because it is not always possible to design the finished grade of the new development to match the existing grades of the surrounding properties. In order to direct the on-site runoff

to the streets, and ultimately to the storm drain system, this site was designed with higher grades along the north and east site boundary. As a result, the future homeowners of Lots 17-36 will not be able to enjoy the benefit of a six foot wall height on the inside at the rear property line due to the difference in grade. By granting the variance, the Planning Commission will allow a six foot combination fence/wall that will provide the future homeowners safety and security in their rear yards. This right is enjoyed by other single-family residential property owners in the same (and similar) zone districts throughout the City.

3. *That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which property is located.*

Allowing a deviation in the wall height requirements will allow a consistent and open appearance with the addition of tubular fencing. Furthermore, safety and security concerns will be addressed for those lots that have a wall height of three to four feet on the inside of their rear property wall. The combination of wall and tubular fencing will not have a detrimental effect on the neighborhood or the users of the recreational/pedestrian trail installed along the San Timoteo Creek Channel. Tubular fencing as opposed to more blocks allows a break in the massing of a wall in excess of six feet in height.

The granting of this variance will also ensure that the fencing along the recreational trail area provides a continuity of design that will serve to enhance the creek view of the Park Lane development. If the fence height issue is not resolved for all of the properties at one time, the future residents of these lots each could request a variance for additional fencing height. It is possible that the end product would not be constructed of the same materials or colors or have a uniform design.

Loma Linda Municipal Code §17.14.120(c) is referenced as a further argument that it makes sense to provide the additional height because it will provide a barrier between the residential and recreational trail use. The Code allows the additional height above eight feet for other similar uses.

4. *The granting of such variances will be consistent with the general plan for the City.*

The request to add a tubular steel cap to the existing block wall is consistent with the existing General Plan in that it will address safety and security concerns for the future residents of Lots 17 through 36. If approved by Planning Commission, the additional height atop the block wall will provide continuity within the residential neighborhood as it relates to the rear yard fencing that abuts the recreational trail area. Otherwise, future residents each could request a variance for additional fencing height that would not necessarily be of the same materials

or colors. It should be noted that, the existing and Draft General Plan do not address wall heights in excess of the maximum height of six feet.

CONCLUSION

Based on the evidence presented, findings can be made per State Law to recommend approval of this variance request. The proposed addition to the wall is open tubular fencing that will benefit future homeowners with enhanced safety and security. The difference in grade between elevation of the rear yards of Lots 17 through 36 and the recreational trail is an exceptional or extraordinary circumstance. This condition exists on the subject property and warrants consideration of the request for additional fence/wall height. Therefore, staff recommends approval of the variance request.

Respectfully Submitted,



Raul Colunga
Assistant Planner

ATTACHMENTS

- A. Site Location Map
- B. Photos of Project Site
- C. Project Plans and Details
- D. Conditions of Approval

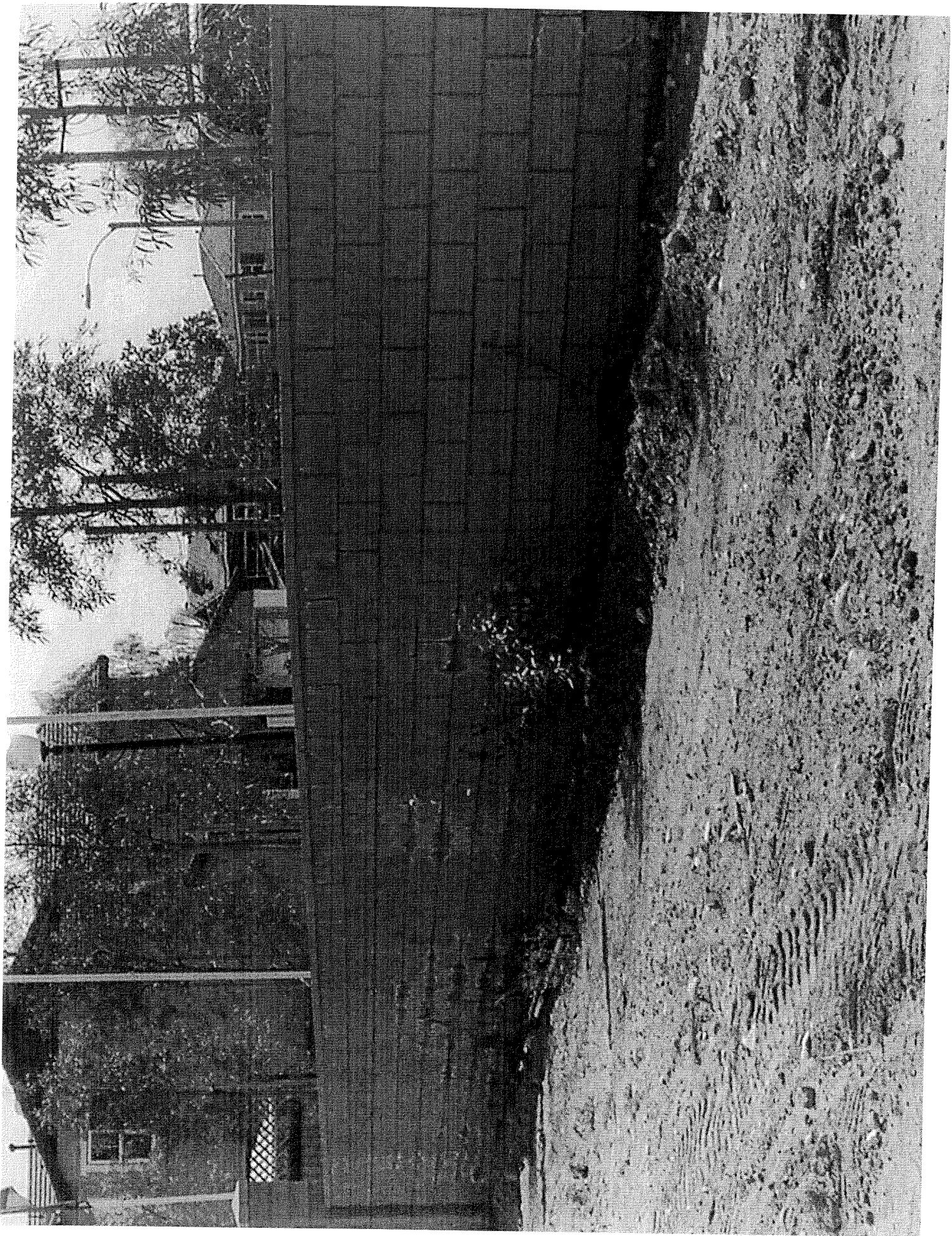
I:\Project Files\VARIANCE\VAR 06-02 RAH Park Lane wall\05-03-06 PC sr-RAH wall height variance.doc

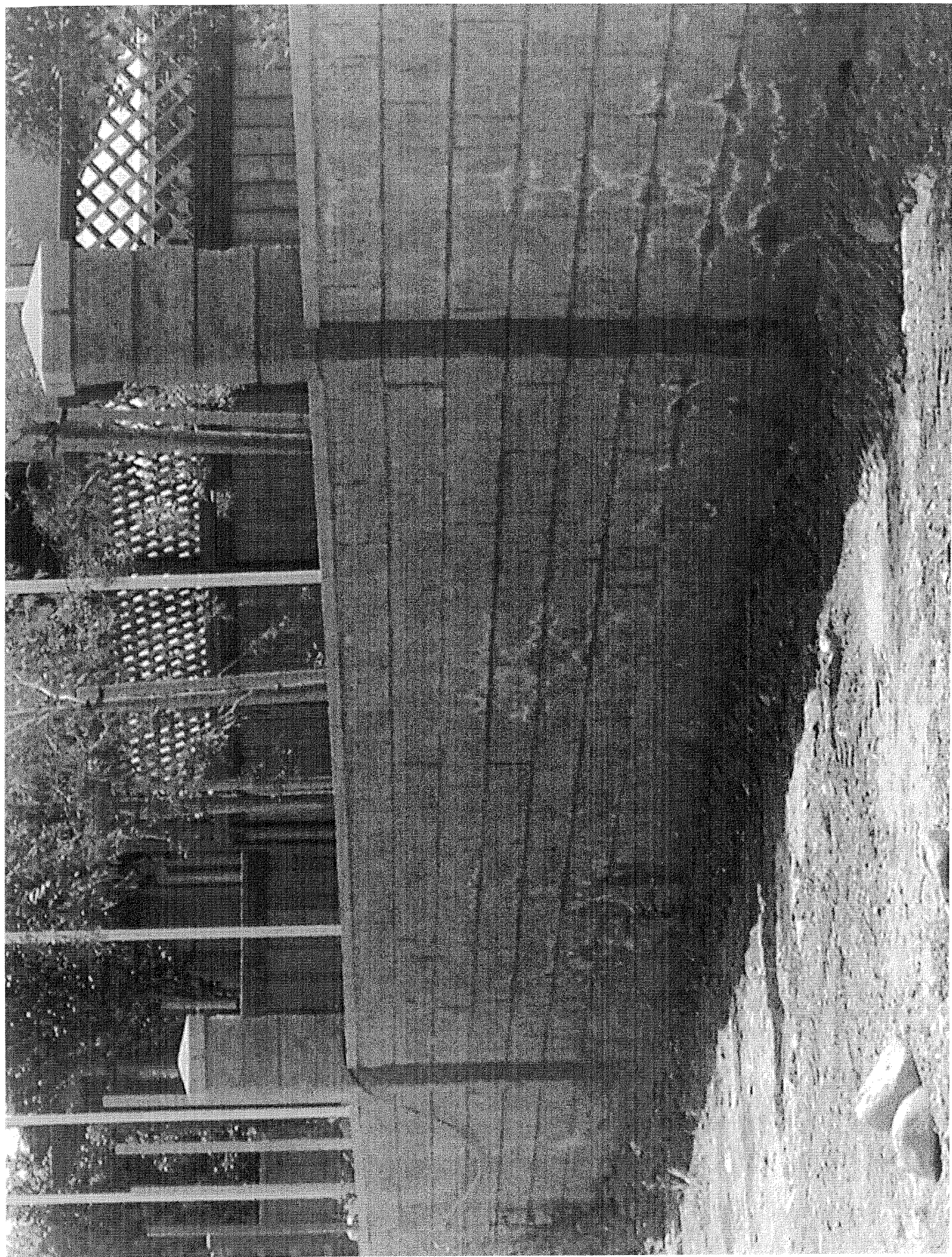
Attachment A

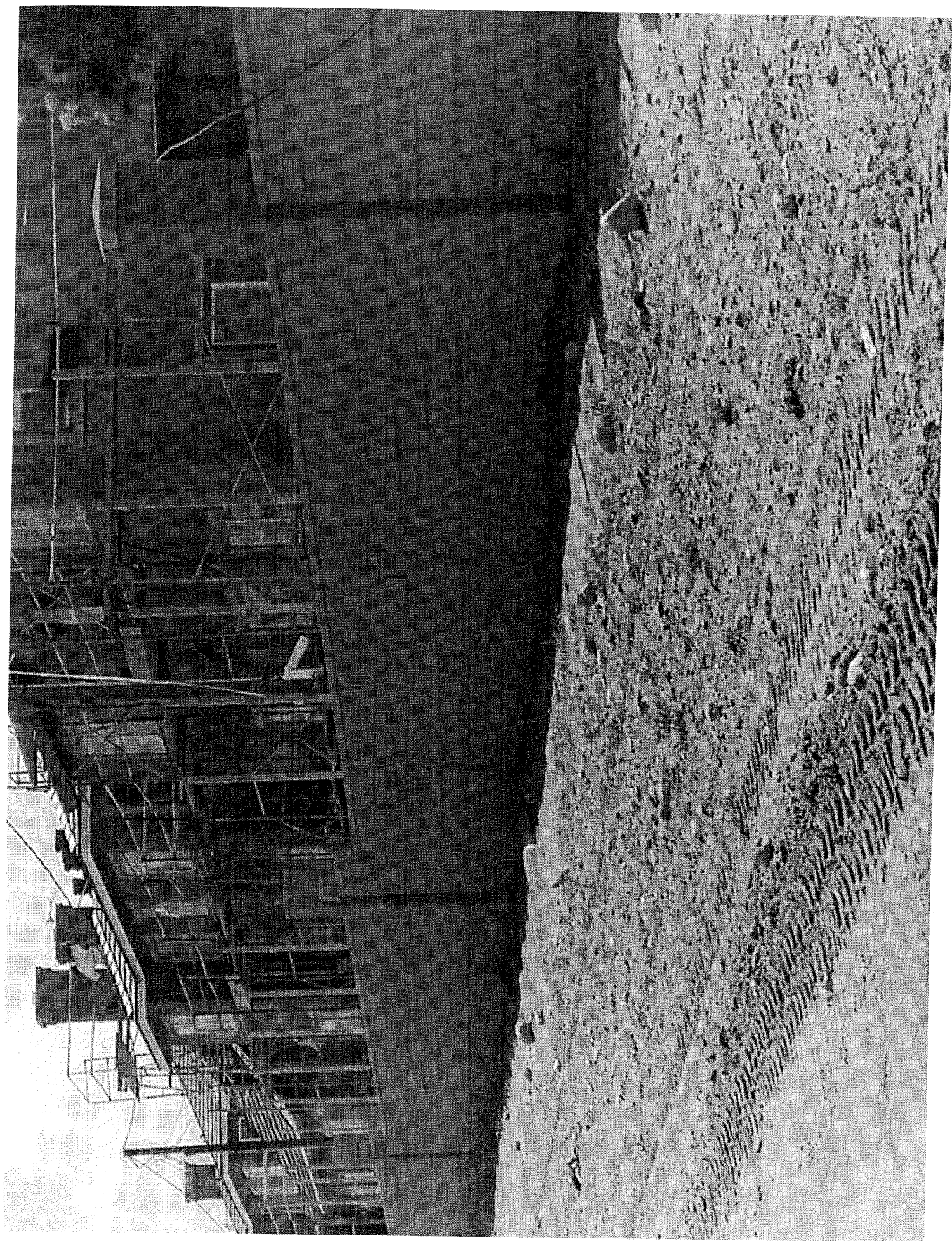
Site Location Map

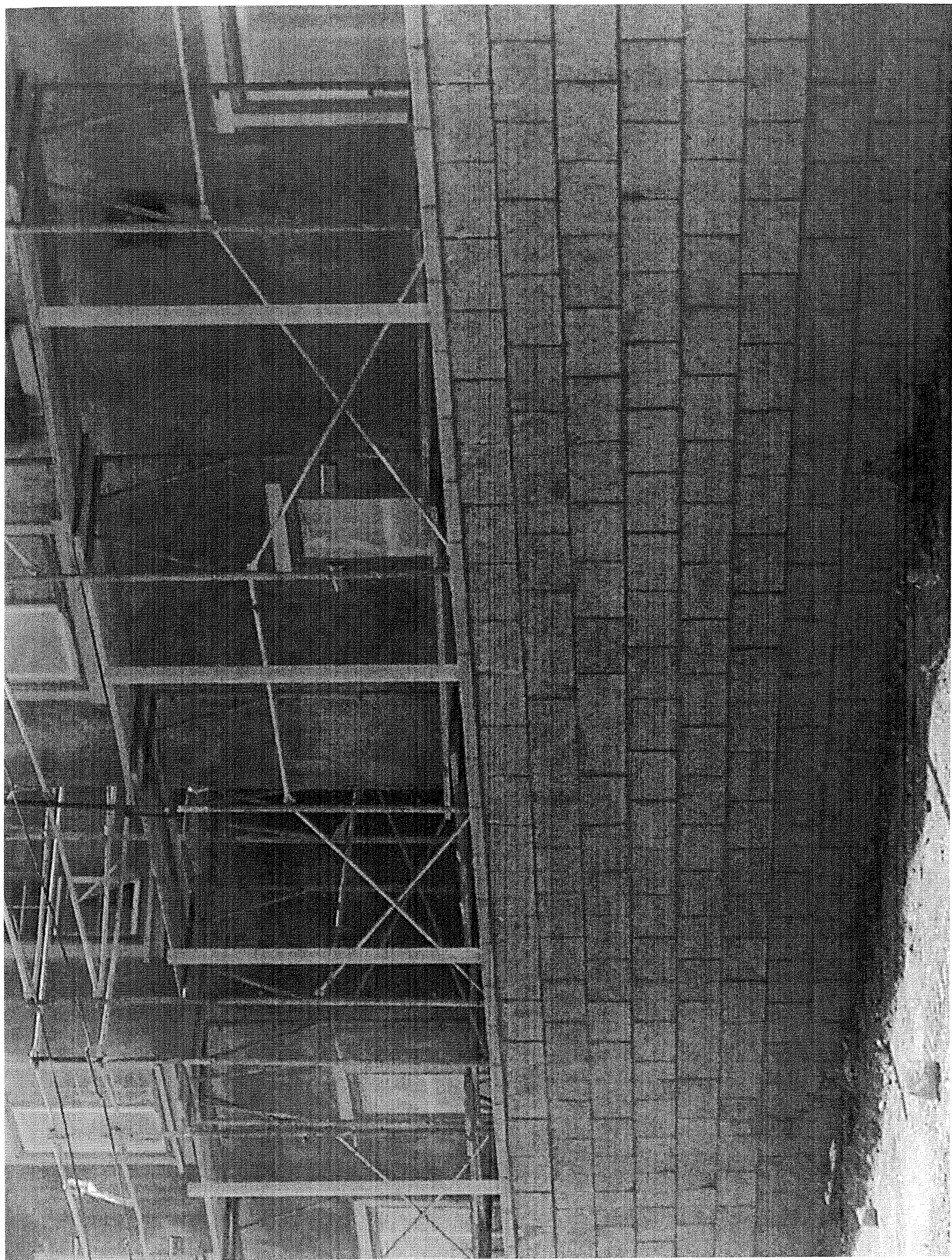
Attachment B

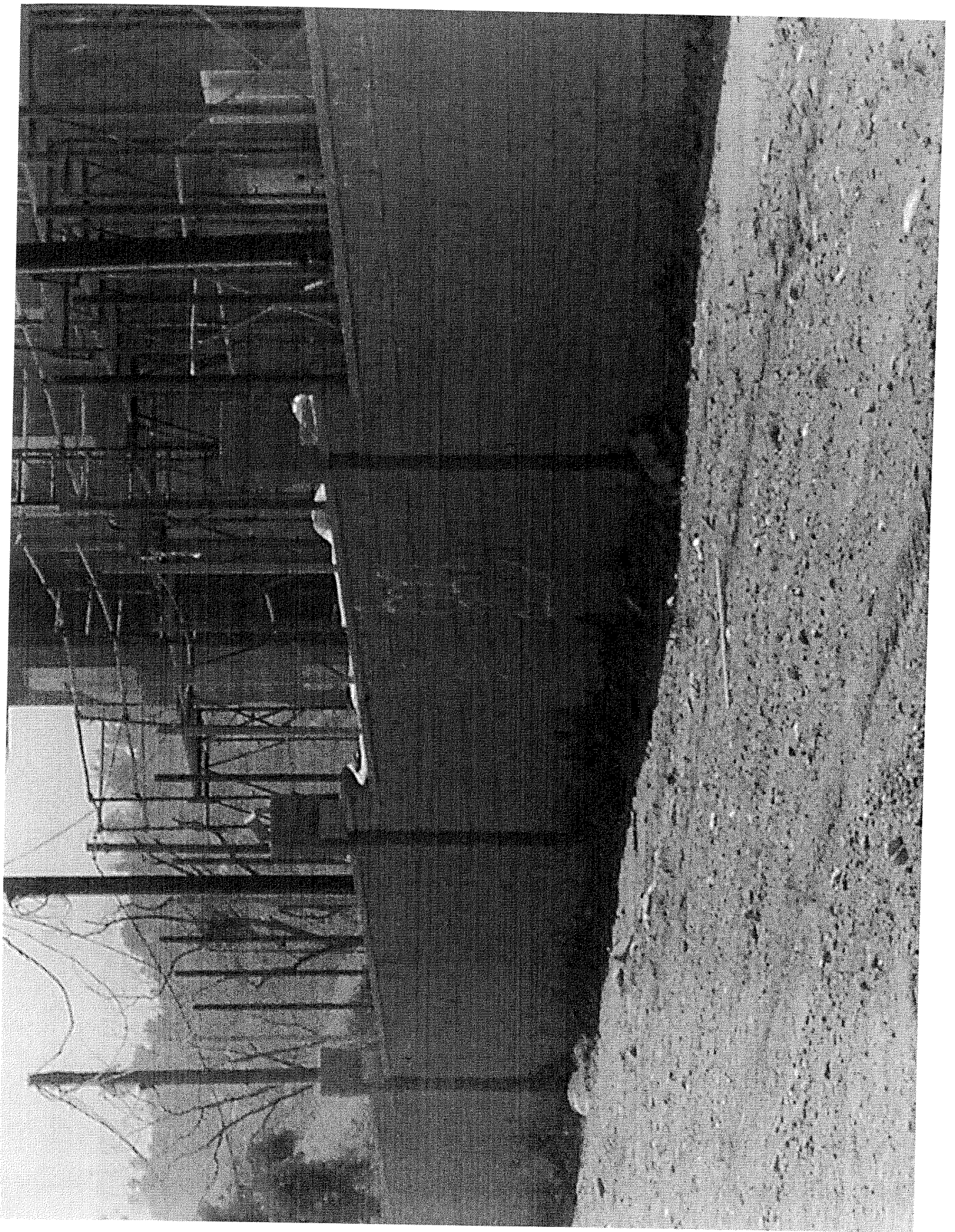
Photos of Project Site

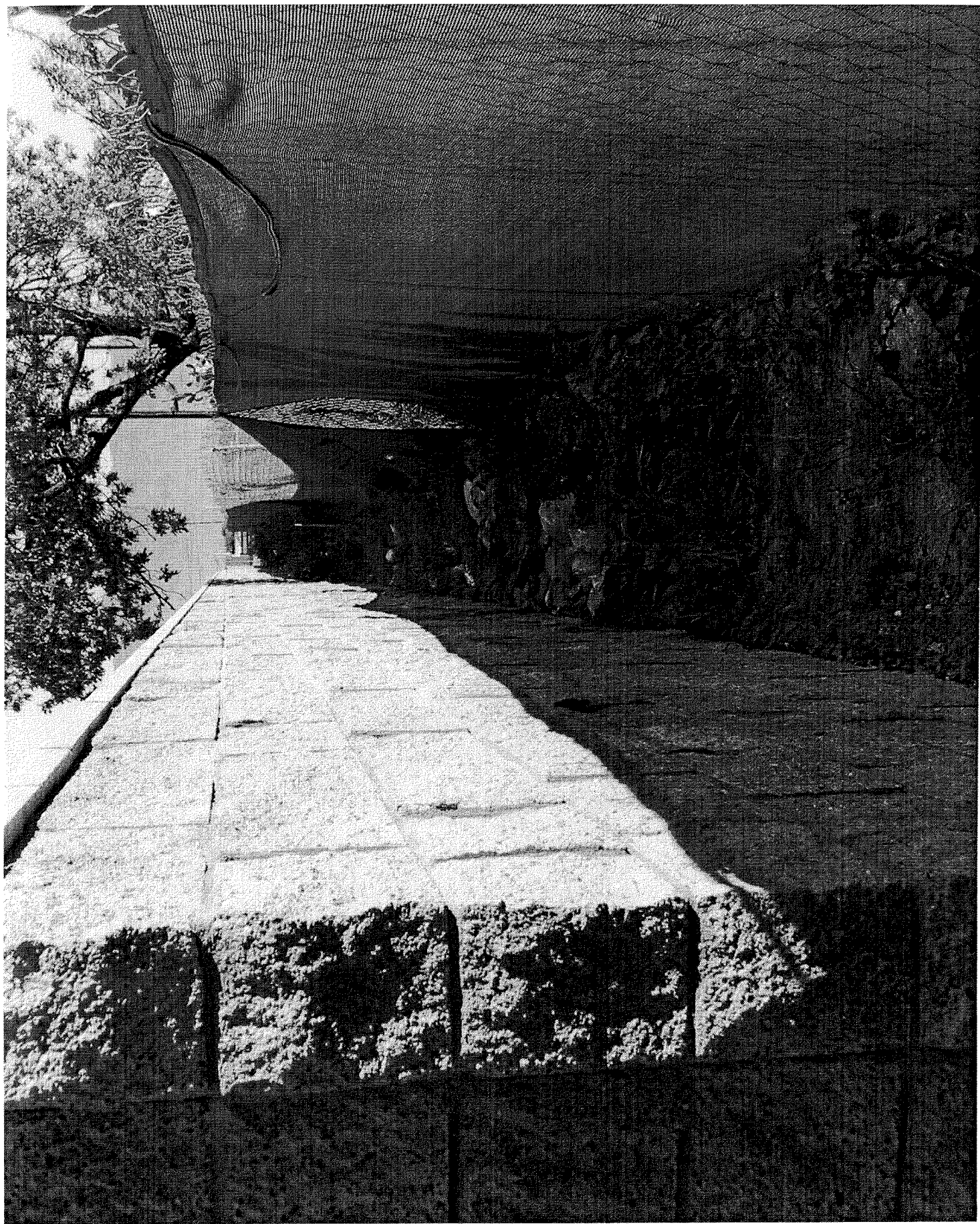


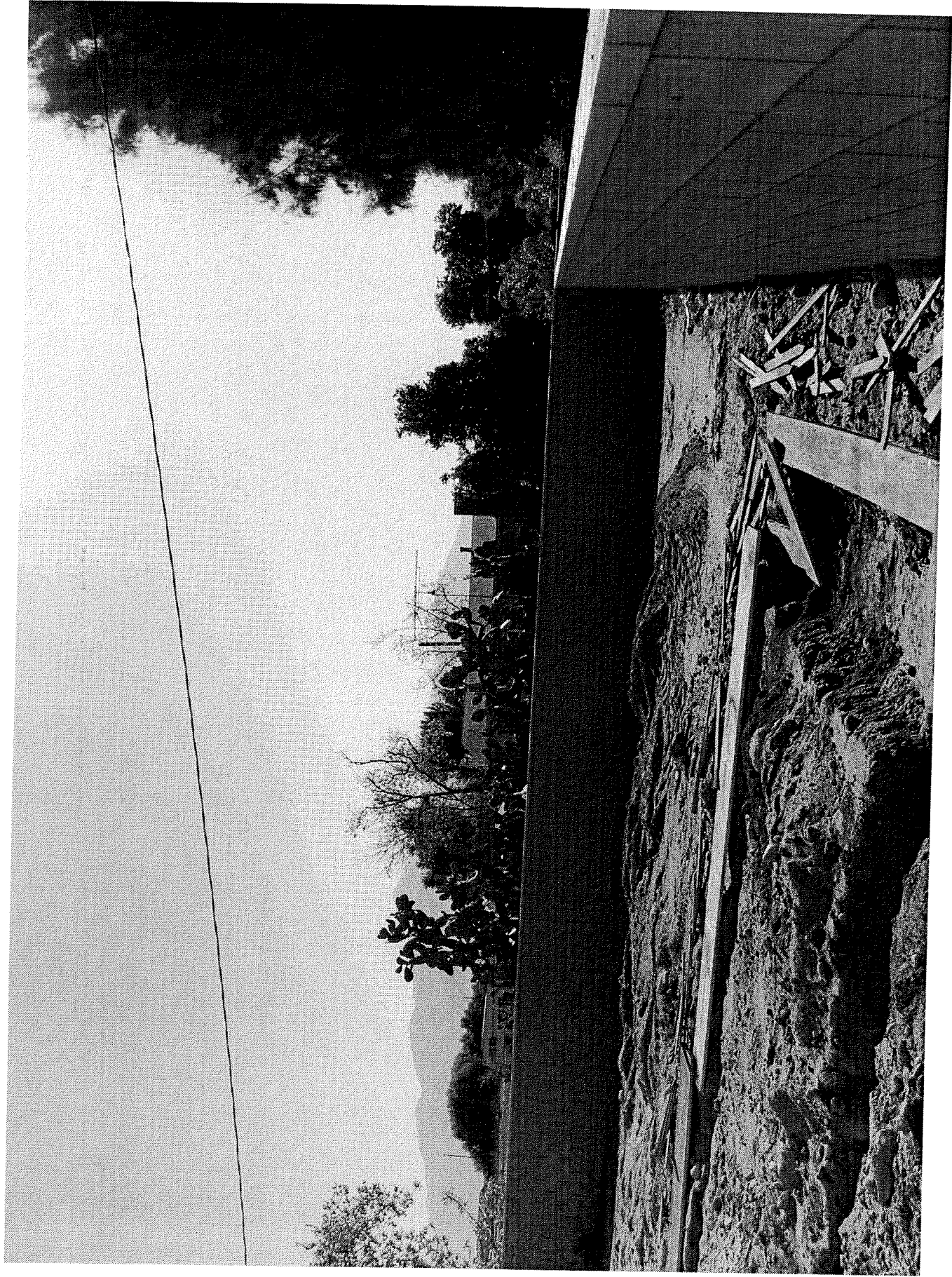




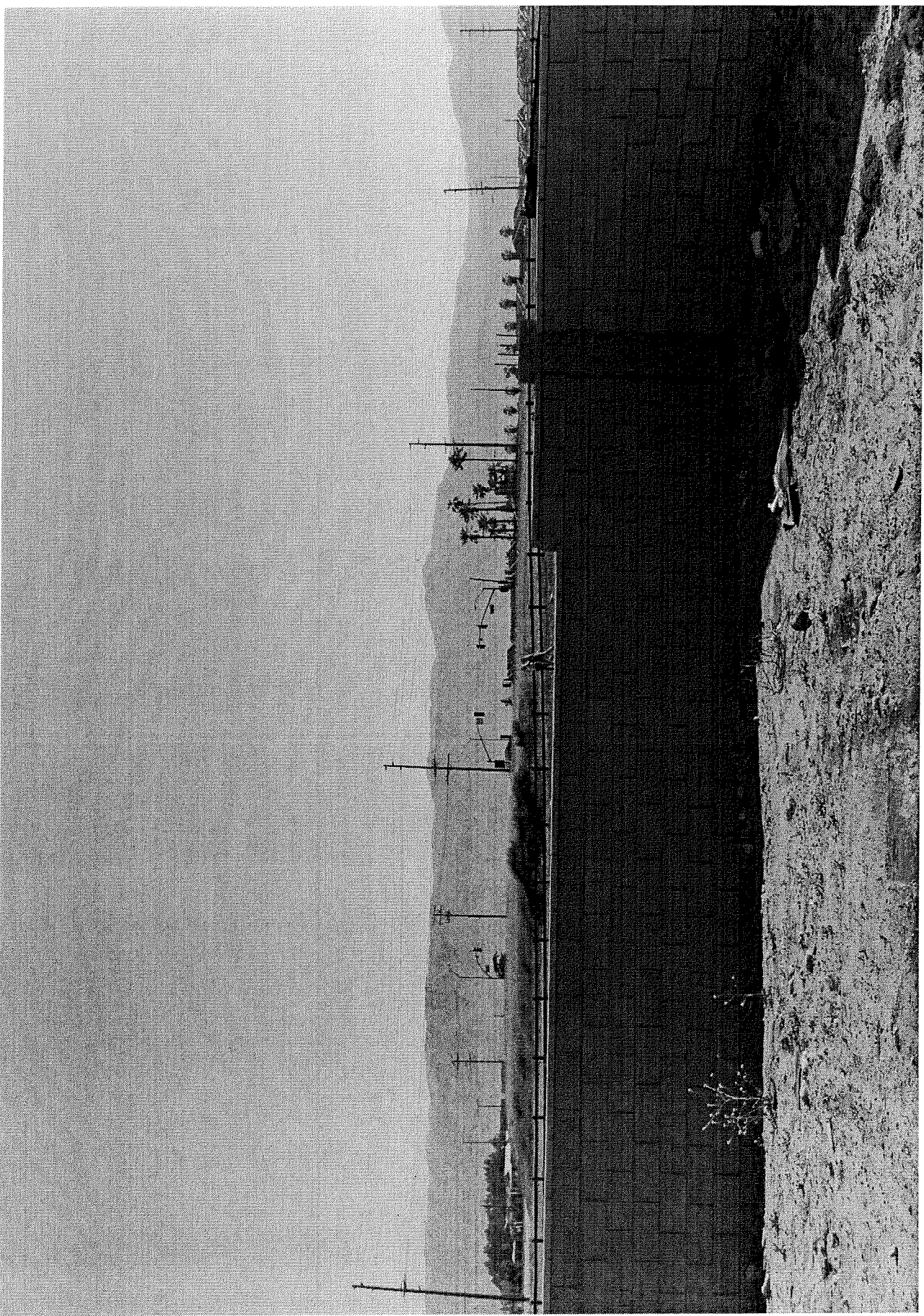




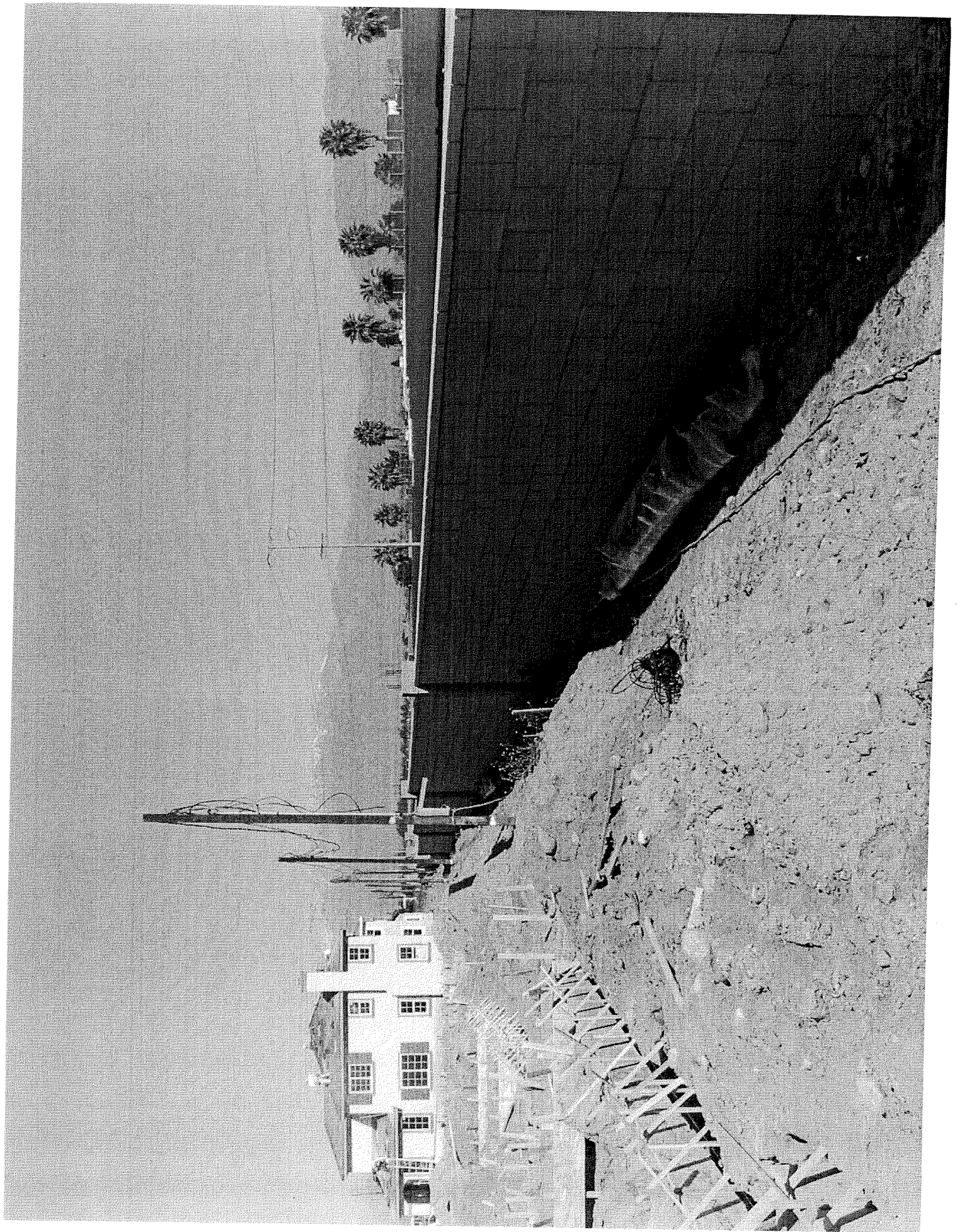


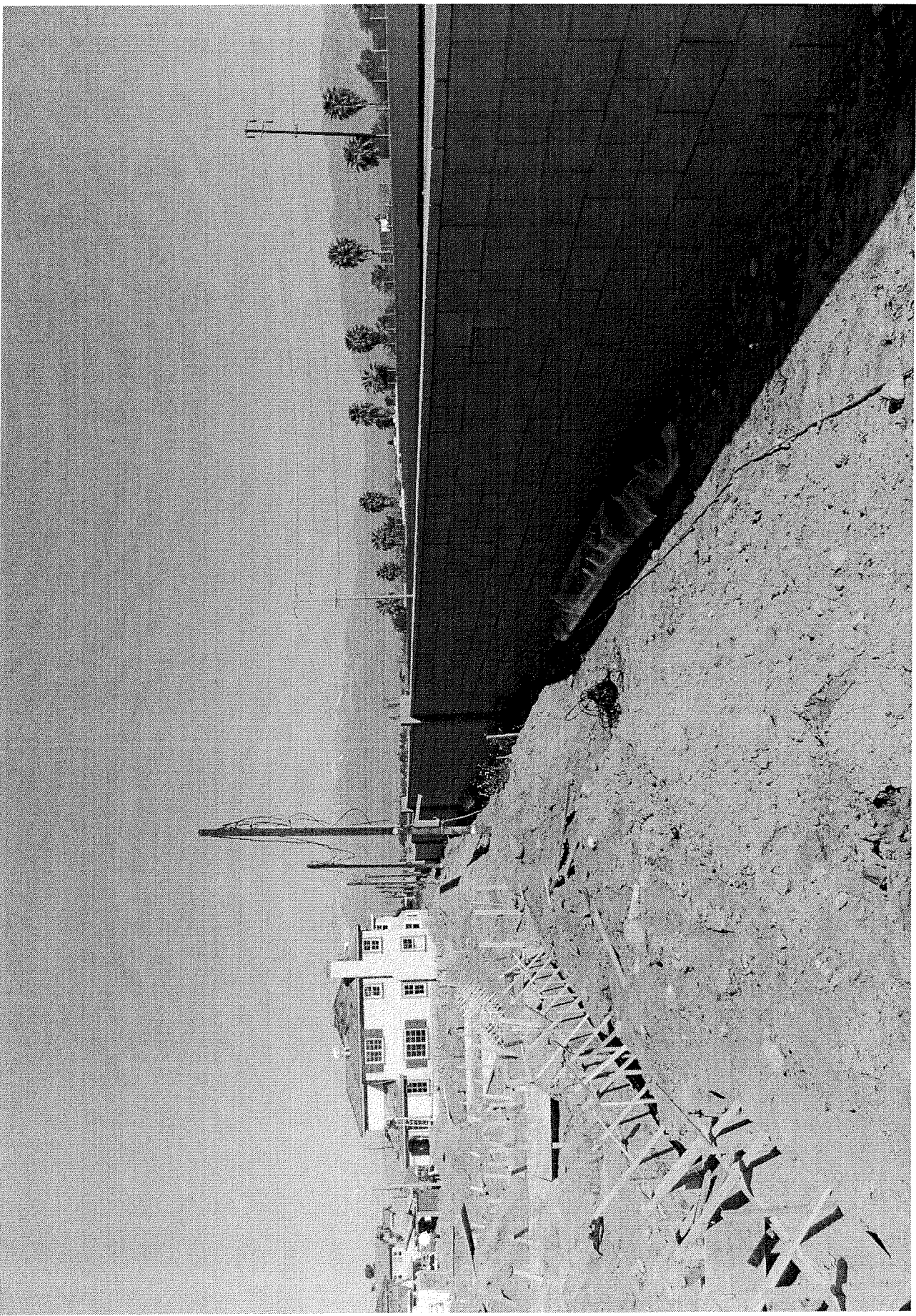


The inside wall at rear of Lot 36

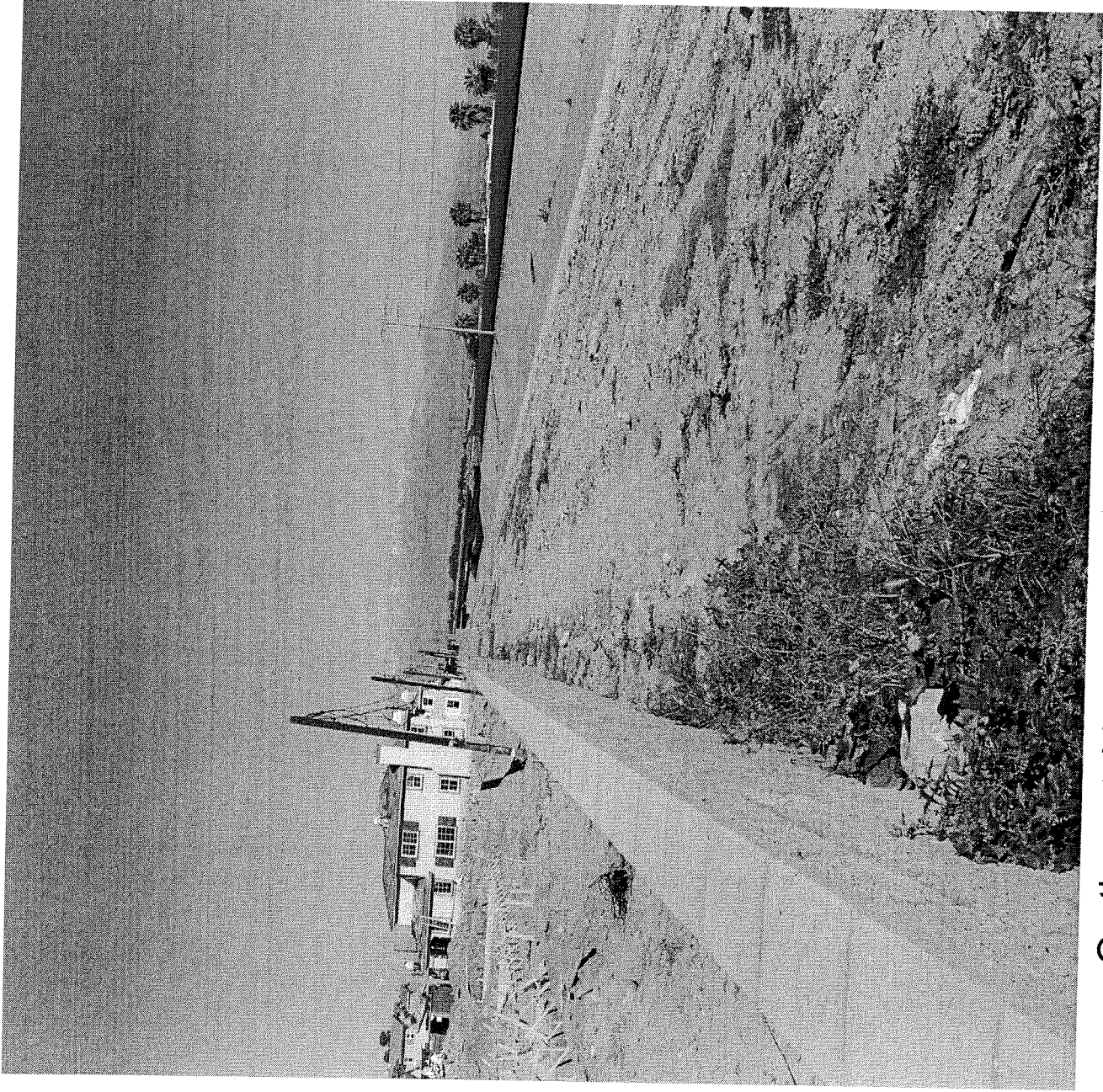


The inside of wall at rear of Lot 33

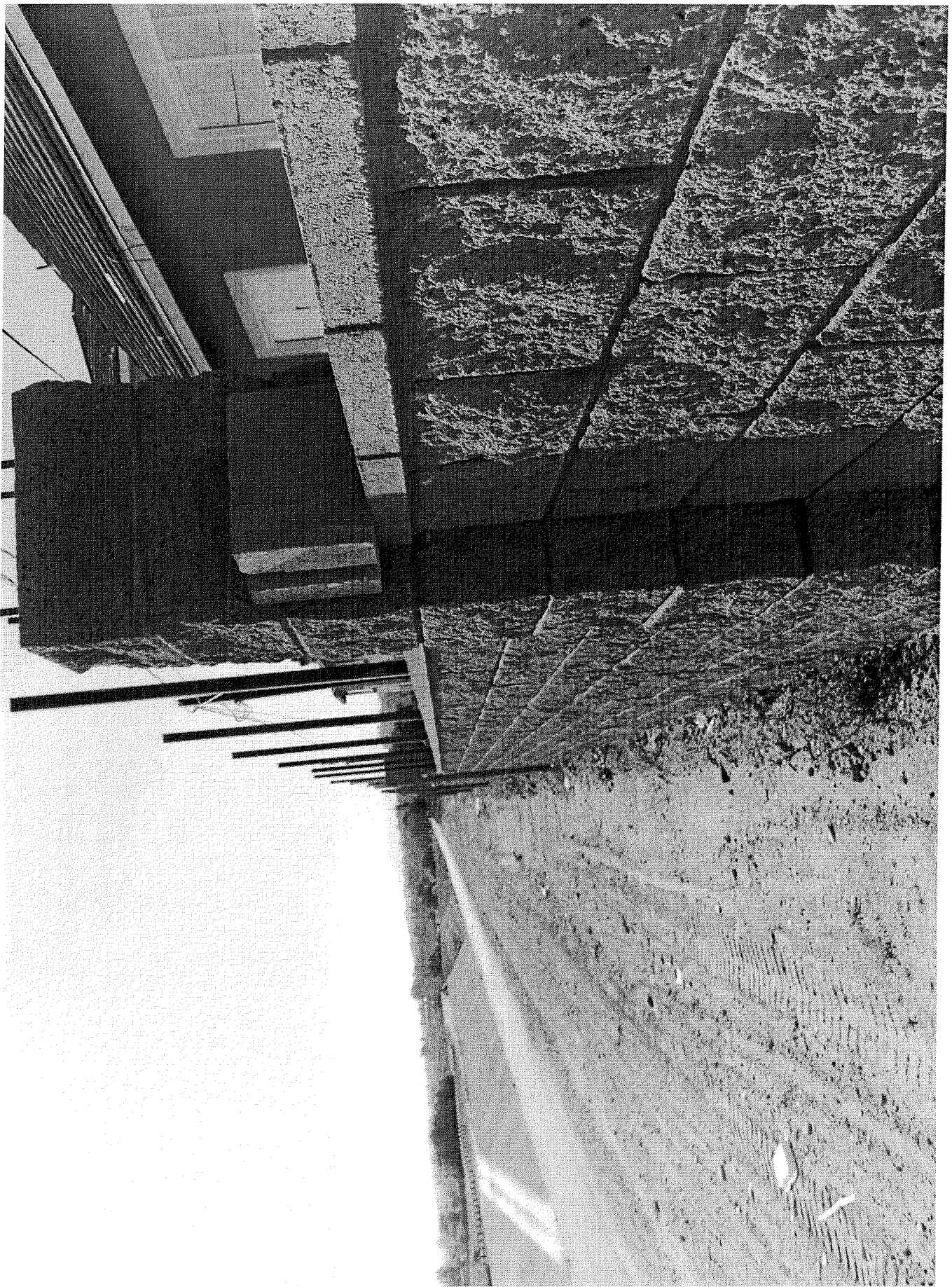


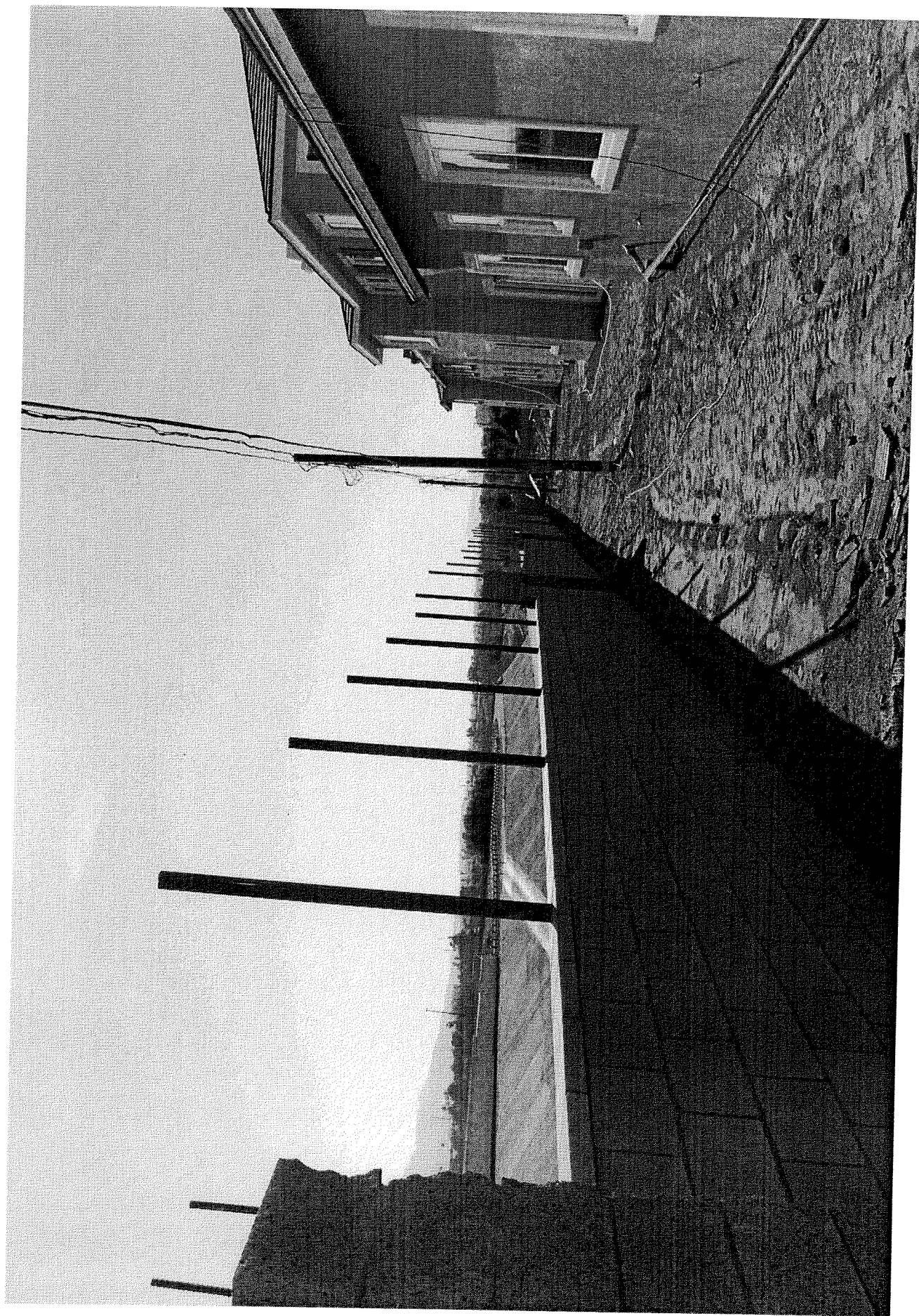


At the rear of Lot 33, looking towards Lots 28



On the outside of Lot 33, looking northwest





Rear of Lot 23, looking northeast

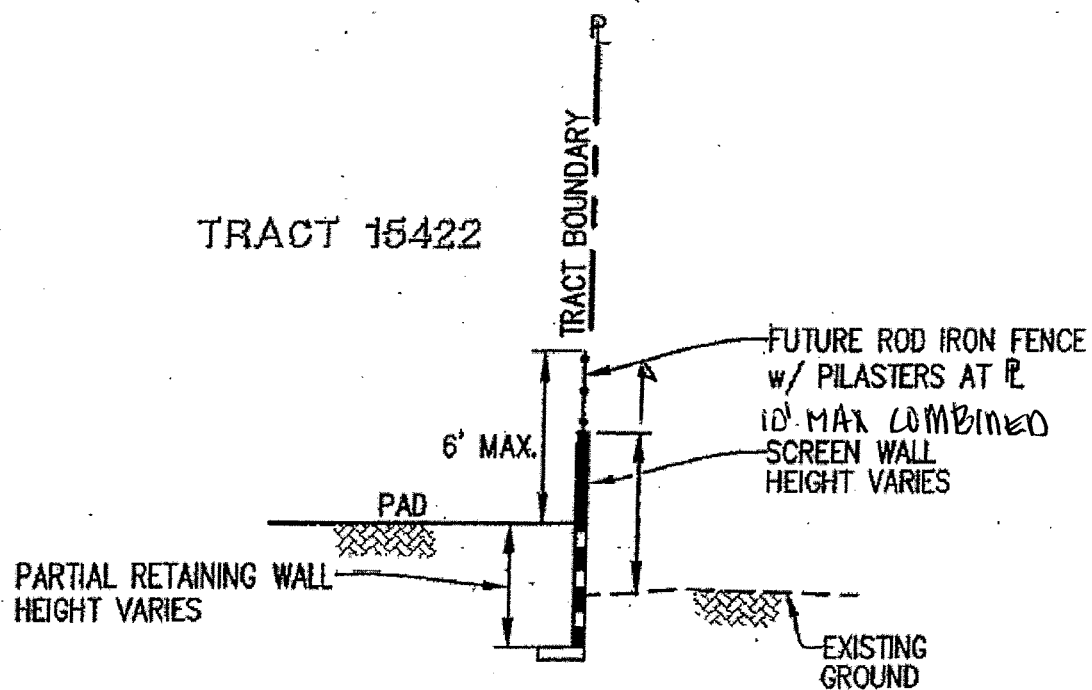
Attachment C

Project Plans and Details



Park Lane, Tract 15422

LOT 17-36 WALL EXHIBIT



OUTSIDE DIMENSION
SLIGHTLY LESS THAN
INSIDE DIMENSION OF TOP
OR BOTTOM RAIL.

SEE DETAIL
2" SQ. TUBULAR STEEL POST
W/ CAP @ 8'-0" O.C. (16 GA.)

CAULK JOINT W/
CLEAR SILICON

FENCE RAIL
SLIPS OVER
ASSEMBLY

5/8" SQ. PICKETS @ 4-1/2" O.C.
(18 GA.)

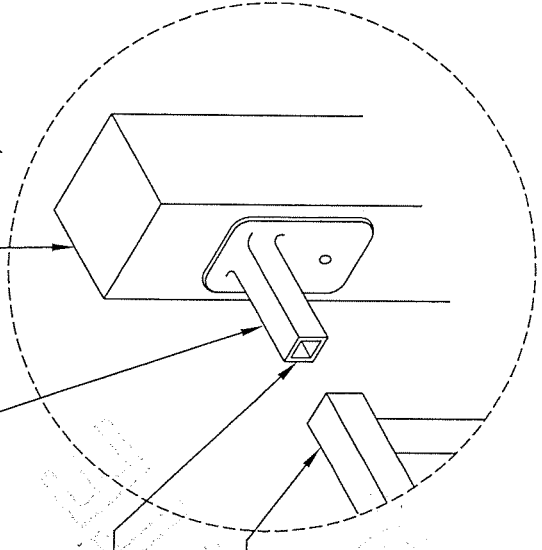
1-1/2" SQ. TUBULAR STEEL RAILS
TOP & BOTTOM (16 GA.)

6' MAX
VARIES

2"

PAD ELEVATION

AVAILABLE THROUGH GOLDEN STATE FENCE 800-350-5620



BRACKET ATTACHMENT DETAIL

NOTE:

ALL MATERIAL TO BE
PREGALVANIZED.

PAINT W/ONE COAT EPOXY PRIMER &
ONE COAT POLYURETHANE FINISH,
COLOR TIGER DRY LAC #9004 BLACK

ALL PICKET CONTINUOUS WELDS AND
COLD GALVANIZED APPLIED TO WELDS.

CONNECT PANELS TO POST WITH SLIDER
BRACKETS (NO WELDING)

DETAIL NAME:

TUBULAR STEEL FENCE ON BLOCK



RIVERSIDE
OCEANSIDE
ANAHEIM
PALMDALE
SANTA PAULA
EL CENTRO

PHONE #

800-350-5620

DETAIL NO.

0/1-006

Attachment D
Conditions of Approval

**CONDITIONS OF APPROVAL
VARIANCE (VA) NO. 06-02
May 03, 2006**

COMMUNITY DEVELOPMENT DEPARTMENT

General

1. Within one year of this approval, the variance shall be exercised by substantial construction or the permit/approval shall become null and void. In addition, if after commencement of construction, work is discontinued for a period of one year, the permit/approval shall become null and void.

PROJECT:

EXPIRATION DATE:

Variance (VA) No. 06-02

May 3, 2007

2. The review authority may, upon application being filed 30 days prior to the expiration date and for good cause, grant a one-time extension not to exceed 12 months. The review authority shall ensure that the project complies with all current Development Code provisions.
3. In the event that this approval is legally challenged, the City will promptly notify the applicant of any claim or action and will cooperate fully in the defense of the matter. Once notified, the applicant agrees to defend, indemnify, and hold harmless the City, Redevelopment Agency (RDA), their affiliates officers, agents and employees from any claim, action or proceeding against the City of Loma Linda. The applicant further agrees to reimburse the City and RDA of any costs and attorneys fees, which the City or RDA may be required by a court to pay as a result of such action, but such participation shall not relieve applicant of his or her obligation under this condition.
4. Construction shall be in substantial conformance with the plan(s) approved by the Planning Commission. Minor modification to the plan(s) shall be subject to approval by the Director through a minor administrative variation process. Any modification that exceeds 10% of the following allowable measurable design/site considerations shall require the refilling of the original application and a subsequent hearing by the appropriate hearing review authority if applicable:
 - a. On-site circulation and parking, loading and landscaping;
 - b. Placement and/or height of walls, fences and structures;
 - c. Reconfiguration of architectural features, including colors, and/or modification of finished materials that do not alter or compromise the previously approved theme; and,
 - d. A reduction in density or intensity of a development project.

5. No vacant, relocated, altered, repaired or hereafter erected structure shall be occupied or no change of use of land or structure(s) shall be inaugurated, or no new business commenced as authorized by this permit until a Certificate of Occupancy has been issued by the Building Division. A Temporary Certificate of Occupancy may be issued by the Building Division subject to the conditions imposed on the use, provided that a deposit is filed with the Community Development Department prior to the issuance of the Certificate, if necessary. The deposit or security shall guarantee the faithful performance and completion of all terms, conditions and performance standards imposed on the intended use by this permit.
6. This permit or approval is subject to all the applicable provisions of the Loma Linda Municipal Code, Title 17 in effect at the time of approval, and includes development standards and requirements relating to: dust and dirt control during construction and grading activities; emission control of fumes, vapors, gases and other forms of air pollution; glare control; exterior lighting design and control; noise control; odor control; screening; signs, off-street parking and off-street loading; and, vibration control. Screening and sign regulations compliance are important considerations to the developer because they will delay the issuance of a Certificate of Occupancy until compliance is met. Any exterior structural equipment, or utility transformers, boxes, ducts or meter cabinets shall be architecturally screened by wall or structural element, blending with the building design and include landscaping when on the ground.
7. The project shall comply with all the conditions of approval for Tentative Tract Map 15422 and Precise Plan of Design No. 04-05.

Landscaping

8. The combination wall and tubular fencing shall be in substantial conformance with the approved plans.
9. The applicant/property owner shall maintain the property and landscaping in a clean and orderly manner and all dead and dying plants shall be replaced with similar or equivalent type and size of vegetation.

End of Conditions